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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN OROZCO and JUAN OROZCO-
BRISENO, individuals, on behalf of
themselves and on behalf of all
persons similarly situated,

Plaintiffs,

v.

ILLINOIS TOOL WORKS INC., a
corporation and Does 1 through 50,
Inclusive,

Defendants.

No. 2:14-cv-02113-MCE-EFB

MEMORANDUM AND ORDER

In this wage and hour class action, Plaintiffs Juan Orozco and Juan Orozco-
Briseno (“Plaintiffs”) propounded discovery requests on Defendant Illinois Tool Works
 (“Defendant”) that sought information regarding the policies for providing meal and rest
 periods to its California employees. After Defendant failed to produce those policies,
 Magistrate Judge Edmund F. Brennan issued an order compelling Defendant to do so.
 ECF No. 38. Presently before the Court is Defendant’s Request for Reconsideration of
 the Magistrate Judge’s Order (“Request”). ECF No. 39. Because the Magistrate
 Judge’s order is not clearly erroneous or contrary to law, Defendant’s Request is
 DENIED.

BACKGROUND¹

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3 Plaintiffs are former material processors who worked for the ITW Rippey
4 Corporation (“Rippey”), one of Defendant’s more than forty business facilities in
5 California. The Rippey facility is Defendant’s only facility in California that manufactures
6 PVA brush rollers used for cleaning semi-conductors. The manufacturing process for
7 the PVA brush rollers requires material processors at the Rippey facility to wear hazmat-
8 type protective gear. The hazards of the manufacturing process at the Rippey facility
9 sometimes prevent material processors from taking their scheduled meal and rest
10 breaks.

11 Plaintiffs assert claims for failure to provide meal periods and rest periods or
12 compensation in lieu thereof, on behalf of a statewide class of employees. During the
13 course of discovery, Plaintiffs have sought information regarding Defendant’s statewide
14 policies for providing employees with meal and rest breaks. Defendants have not
15 entirely complied with these requests.

16 On December 8, 2015, the Magistrate Judge issued an order compelling
17 Defendant to provide further responses to Plaintiffs’ discovery requests regarding
18 Defendant’s statewide policies for employees’ meal and rest breaks. See ECF No. 38 at
19 2-3 (compelling further responses to request numbers 2, 3, 4, 12, and 13); ECF No. 26
20 at 33-43 (specifying that request for production 2 constitutes all payroll records for
21 Plaintiffs, request for production 3 constitutes Plaintiffs itemized wage statements,
22 request for production 4 constitutes records of hours worked by Plaintiffs, and
23 documents 12 and 13 constitute Defendant’s policies for providing meal and rest periods
24 to the putative class members). Defendant seeks reconsideration of this aspect of
25 Judge Brennan’s order.²

26 ¹ The following recitation of facts is taken, sometimes verbatim, from Defendant’s Request for
27 Reconsideration and Plaintiffs’ Opposition thereto. See ECF No. 39 (Defendant’s request); ECF No. 40
(Plaintiff’s Opposition).

28 ² The Magistrate Judge’s order denied other aspects of Plaintiffs’ Motion. Neither party has

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STANDARD

A magistrate judge’s determination in a non-dispositive matter is entitled to significant deference by the reviewing District Court. United States v. Abonce-Barrera, 257 F.3d 959, 969 (9th Cir. 2001). The factual determinations made by a Magistrate Judge in a non-dispositive matter are assessed under the “clearly erroneous” standard, while the legal conclusions that underlie a Magistrate Judge’s decision are judged under the “contrary to law” standard. E.D. Cal. Local Rule 303(f); Yent v. Baca, No. CV-01-10672 PA(VBKX), 2002 WL 32810316, at *2 (C.D. Cal. Dec. 16, 2002); Wolpin v. Philip Morris Inc., 189 F.R.D. 418, 422 (C.D. Cal. Feb. 23, 1999).

ANALYSIS

When discovery is sought “to aid the determination of whether a class action is maintainable, the plaintiff bears the burden of advancing a prima facie showing that the class action requirements of Federal Rule of Civil Procedure 23 are satisfied or that discovery is likely to produce substantiation of class allegations.” Mantolete v. Bolger, 767 F.2d 1416, 1424 (9th Cir. 1985) (emphasis added). In partially granting Plaintiffs’ motion, the Magistrate Judge found that Plaintiffs satisfied the latter part of Mantolete. ECF No. 30 at 11.

A. The Magistrate Judge’s Decision was not Clearly Erroneous

A magistrate judge’s factual findings are “clearly erroneous” only when the reviewing court “is left with the definite and firm conviction that a mistake has been committed.” Yent, WL 32810316, at *2; Concrete Pipe & Prods. of Cal., Inc. v. Constr. Laborers Pension Trust for S. Cal., 508 U.S. 602, 622, 113 S. Ct. 2264, 2279, 124 L. Ed. 2d 539 (1993); United States v. U.S. Gypsum Co., 333 U.S. 364, 395, 68 S.Ct. 525, 92 L. Ed. 746 (1948).

requested reconsideration of that part of the order.

1 The Magistrate Judge determined that because there was “certainly a prima facie
2 case” as to Defendant’s meal and wage policies at the Rippey facility where Plaintiffs
3 were employed, it would not be “unreasonable to infer that the same practice and culture
4 was occurring at the other California plants.” ECF No. 30 at 10. The Magistrate Judge
5 also accepted Plaintiffs’ argument that Defendant’s statewide policy documents relating
6 to meal and rest breaks are the documents most likely to substantiate Plaintiffs’ class
7 allegations. Id. at 11. As a result, the Magistrate Judge ordered further responses to
8 Plaintiffs’ discovery requests regarding Defendant’s statewide policies for meal and rest
9 breaks. Id. at 12; ECF No. 38 at 2.

10 Defendant’s Request has not left the Court with the “definite and firm conviction”
11 that the Magistrate Judge erred in ordering Defendant to produce its statewide policies
12 for meal and rest breaks. Concrete Pipe, 508 U.S. at 622. The order was correctly
13 limited by only compelling responses to requests concerning Defendant’s statewide
14 policies for affording employees with meal and rest breaks. ECF No. 30 at 11-12.
15 Plaintiffs were only employed at one of Defendant’s California facilities. ECF No. 39 at
16 2. Through their experience, Plaintiffs showed that Defendant prioritized the efficiency of
17 its output over the legal requirements mandating meal and rest periods for employees at
18 Defendant’s Rippey facility. ECF No. 40 at 5. Because it is reasonable to infer that
19 Defendant’s other business units also prioritize efficiency over meal and rest breaks, the
20 Magistrate Judge’s finding that the requested discovery will likely substantiate Plaintiffs’
21 class allegations is not clearly erroneous. ECF No. 30 at 10-11.

22 **B. The Magistrate Judge’s Decision was not Contrary to Law**

23 A Magistrate Judge’s order is “contrary to law” if it does not apply or misapplies
24 relevant case law or procedural rules. Yent v. Baca, No. CV-01-10672 PA(VBKX), 2002
25 WL 32810316, at *2 (C.D. Cal. Dec. 16, 2002).

26 The Magistrate Judge considered and applied the relevant case law in ordering
27 further responses to Plaintiffs’ discovery requests. See ECF No. 30 at 10-11
28 (acknowledging the Mantolete test, determining that Plaintiff made a prima facie showing

1 of the meal and rest breaks policy at the Rippey facility, and accepting Plaintiffs'
2 argument that Defendant's statewide policies for affording employees with meal and rest
3 breaks at the remaining California facilities will likely substantiate the class allegations).
4 Furthermore, although plaintiffs are not always entitled to discovery prior to class-
5 certification, the Ninth Circuit has held that "the better and more advisable practice for a
6 District Court is to afford the litigants an opportunity to present evidence as to whether a
7 class action was maintainable." Doninger v. Pac. Nw. Bell, Inc., 564 F.2d 1304, 1313
8 (9th Cir. 1977). Furthermore, it is proper to afford plaintiffs with "enough discovery to
9 obtain the material, especially when the information is within the sole possession of the
10 defendant." Id.


11 During the hearing on Plaintiffs' Motion to Compel, the Magistrate Judge indicated
12 that Plaintiffs should be given "access to the same information so they can make the
13 same comparison(s)" as Defendant in relation to Defendant's policies for meal and rest
14 breaks. ECF No. 30 at 9. It also appears that Judge Brennan's reason for compelling
15 further discovery was primarily, if not solely, to determine if Plaintiffs' class allegations
16 can be substantiated. See id. at 12 (limiting discovery to Defendant's policies for meal
17 and rest breaks and denying further discovery "until we see what is learned from the
18 statewide discovery as to these topics."). The Magistrate Judge's decision was therefore
19 consistent with the law.

20 CONCLUSION

21 The Magistrate Judge's decision to partially grant Plaintiffs' Motion to Compel was
22 not clearly erroneous or contrary to law. Accordingly, Defendant's Request for
23 Reconsideration (ECF No. 39) is DENIED.

24 IT IS SO ORDERED.

25 Dated: February 4, 2016

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT